

REMARKS

In response to the Office Action dated September 4, 2007, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claims 1-13 are pending. Claims 1-3, 5, 7-8, 10, 12-13 are amended. The amendments to the claims contain no new matter and are supported by the entire specification, including the drawings and the claims.

Claim 2 was objected to because it depended from itself. Claim 2 has been amended to depend from Claim 1.

Claims 1-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ho et al (US 2002/0120740) (hereinafter Ho), in view of Yonge, III et al (US 6,671,281) (hereinafter Yonge, III). This rejection is traversed for the following reasons.

Claim 1, as amended, recites “A method for resolving contention issues by a channel in a fibre optic switch environment, said contention issues occurring during channel program execution, comprising: a channel receiving a status packet indicating that a device is no longer busy, said channel under a device-busy status; specifying whether said channel intends to re-initiate a channel program that previously resulted in said device-busy status; if said channel intends to re-initiate said channel program, setting a first combination of bits in said re-initiate field of said status-acceptance packet operable for indicating that said channel will re-initiate said channel program, after a first time period; if said channel intends to re-initiate said channel program, setting a third combination of bits in said re-initiate field of said status-acceptance packet operable for indicating that said channel will re-initiate said channel program, after a second time period; if said channel does not intend to re-initiate said channel program, setting a second combination of bits in a re-initiate field of a status-acceptance packet operable for indicating that said channel will take no further action; transmitting said status-acceptance packet to a control unit; and re-initiating said channel program in response to said re-initiate field being set by at least one of said first and third combination of bits.”

(Emphasis Added)

Furthermore, Claim 3, as amended, recites “A method for resolving contention issues by a control unit in a fibre optic switch environment, said contention issues occurring during channel program execution, comprising: identifying at least one channel for which said control unit owes a device no-longer-busy status, said control unit in communication with said device; sending a status packet to said at least one channel, said status packet indicating said device is no longer busy; receiving a status-acceptance packet from said at least one channel, said status-acceptance packet including a re-initiate field that indicates to the control unit whether or not said at least one channel intends to re-initiate a channel program, said re-initiate field operable for receiving at least one of a first, second and third combination of bits; waiting a first period of time for a command initiating a new channel program from said channel if said first combination of bits set in said re-initiate field indicates that said channel intends to re-initiate said channel program and re-initiating said channel program in response to said re-initiate field being set by at least one of said first and third combination of bits.” (Emphasis Added)

Ho in view of Yonge III is not concerned with, nor does it teach a re-initiate field that indicates to the control unit whether or not said at least one channel intends to re-initiate a channel program, said re-initiate field operable for receiving at least one of a first, second and third combination of bits, as recited by Claims 1 and 3, as amended. The cited sections of Yonge III cited in the Office Action discuss additional fields such as a contention control field a delimiter type field, a variant field and a frame control check sequence field. However, none of these added fields recite the same features as Applicant’s re-initiate field. Furthermore, Ho in view of Yonge III does not teach or suggest alone or in combination the three combinations of bits as recited in Claims 1 and 3.

Since Claims 8 and 13 contain similar features as Claims 1 and 3, Claims 8 and 13 are patentable over Ho in view of Yonge III for at least the reasons given above for Claims 1 and 3. Because Ho in view of Yonge III does not teach or make obvious the features recited in Applicants’ Claims 1, 3, 8 and 13, the Applicants submit that claims 1, 3, 8 and 13 are patentable over Ho in view of Yonge III. Claim 2 depends from what should be an allowable base Claim 1. Claims 4-7 depend from what should be an allowable base Claim 3. Claims 9-12 depend from what should be an allowable base

Claim 8. For at least these reasons, the Applicants submit that claims 2, 4-7 and 9012 are in condition for allowance and respectfully request reconsideration and withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. **If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.**

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 09-0463.

Respectfully submitted,

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